

REMARKS

Applicants have canceled claims 38-80 and added new Claims 81-92. The support for the new claims can be found in the original claims and the specification. No new matter has been added by this amendment. Entry is believed to be proper and respectfully requested. Upon entry of this amendment, Claims 81-92 are pending. No additional claim fee is due.

REJECTIONSClaim Rejection under 35 USC §103 over Frankenbach et al.

The Examiner rejects claims 38-80 under 35 USC §102(a) as being unpatentable over US 6,491,840, to Frankenbach et al. (hereinafter referred to as "Frankenbach"). The Examiner states that Frankenbach teaches a composition comprising a silicone polymer having carboxylic acid moieties, a polyalkylene oxide polysiloxane, a cyclodextrin, ethanol, a perfume, and the balance water. Other suitable additives include fabric care polysaccharides and antimicrobial preservatives. The composition may be used on synthetic fibers such as polyester and nylon, which are known in the art as ballistic fabrics. Thus, the Examiner suggests that it would have been obvious to one skilled in the art at the time the invention was made to prepare a composition containing these ingredients based on Frankenbach's disclosure. Furthermore, synthetic fibers such as polyester and nylon are contemplated as treatable with Frankenbach's compositions, therefore, Examiner concludes that the presently claimed method is satisfied.

Applicants point out that Claims 38-80 have been canceled by the present amendment; thus, the rejection is moot. Accordingly, Applicants respectfully request withdrawal of this rejection.

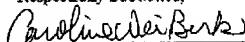
Further, Applicants submit that new claims 81-92 are unobvious and patentable over Frankenbach because Frankenbach does not disclose a method of using a composition comprises the specific components at specific concentrations such that the combination is useful in reducing/removing odors and fungal growth in a ballistic garment without reducing its ballistic properties after at least two applications of the composition. Thus, new claims 81-92 are patentable over Frankenbach.

CONCLUSION

Applicant believes the present amendment is fully responsive and places Claims 81-92 in condition for allowance.

In the event that issues remain prior to allowance of the noted claims, the Examiner is invited to call Applicant's undersigned attorney to discuss any remaining issues.

Respectfully Submitted,



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